

ORDINANCE NO. 3017

AN ORDINANCE OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT NO. 06-22 BETWEEN THE CITY OF EL MONTE AND ALL VISION, LLC, TO CONSTRUCT A DIGITAL BOARD BILLBOARD AT 3449 SANTA ANITA AVENUE IN AREA NO. 3 OF THE CITY'S BILLBOARD OVERLAY ZONE

WHEREAS, on July 18, 2017, the El Monte City Council (the "City Council") adopted Ordinance No. 2914, establishing El Monte Municipal Code (EMMC) Chapter 17.88 - Freeway Overlay Zone (the "overlay Zone") and seven (7) overlay areas in which billboards would be allowed; and

WHEREAS, on December 17, 2019, the City Council adopted Ordinance No. 2961, adding an additional three (3) overlay areas, for a total of ten (10) areas; and

WHEREAS, on July 20, 2022, Kevin Donovan of All Vision, LLC (the "Applicant") submitted an application for Design Review No. 18-22 and Development Agreement No. 06-22, to construct a digital billboard (the "Proposed Project"); and

WHEREAS, the digital billboard will be located at 3449 Santa Anita Avenue (Assessor Parcel No. 8581-034-001), El Monte, California (the "Subject Property"), Area No. 3 of the Overlay Zone; and

WHEREAS, the requests were made pursuant to the requirements of Chapters 17.122 (Design and Minor Review) and 17.129 (Development Agreements) of the El Monte Municipal Code (EMMC); and

WHEREAS, the full Development Agreement is attached to this Ordinance as Exhibit A; and

WHEREAS, on October 11, 2022, the El Monte Planning Commission (the "Planning Commission") held a full and fair public hearing and adopted Resolution No. 3644, recommending the City Council approve Design Review No. 18-22 for the billboard's aesthetics and recommending the City Council approve Development Agreement No. 06-22 for the terms and regulations of the billboard; and

WHEREAS, on November 1, 2022, the City Council held a full and fair public hearing to consider the First Reading of this Ordinance to approve Development Agreement No. 06-22; and

WHEREAS, notices of the Planning Commission and City Council public hearings were placed in a local newspaper and mailed to all property owners in accordance with the EMMC, and all interested persons were given full opportunity to be heard and present evidence.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 - RECITALS. The recitals above are true and correct and incorporated herein by reference;

SECTION 2 - GENERAL PLAN. The 2011 General Plan land use designation for the Subject Property is "Gateway Specific Plan." The General Plan does not specifically identify digital billboards as a potential revenue source. However, there are other areas of the General Plan that discuss the need for new revenue sources to implement City policies and support programs. Therefore, the proposed digital billboard is consistent with the General Plan.

SECTION 3 - ZONING. The Subject Property is located within the SP-1 (Gateway Specific Plan) zone. The surrounding zoning and land uses of the adjacent properties are as follows:

- North: SP-1; El Monte Bus Station and associated parking areas
- East: SP-1; Vacant lot used for vehicle parking
- South: Freeway ROW; 1-10 Freeway
- West: SP-1; Fletcher Park

SECTION 4 - ENVIRONMENTAL. In accordance with the criteria and authority contained in the California Environmental Quality Act. (CEQA) of 1970 and the CEQA Guidelines as amended, an Initial Study and Mitigated Negative Declaration (IS/MND) was circulated from April 7, 2017 to May 8, 2017 to establish the Freeway Overlay Zone. On July 18, 2017, the City Council adopted Ordinance No. 2914 approving the Freeway Overlay Zone. A total of four (4) mitigation measures were incorporated in the MND to reduce the impacts of any future billboards to a "Less Than Significant" level. These mitigation measures have been incorporated in Exhibit A, Conditions of Approval, of City Council Resolution No. 10399, approving Design Review No. 18-22. Therefore, no further environmental analysis is required.

SECTION 5 - DEVELOPMENT AGREEMENT FINDINGS. Pursuant to EMMC Section 17.129.090, the City Council approves Development Agreement No. 06-22, based upon the following findings:

- A. The Development Agreement will not be detrimental to the public health, safety or welfare or injurious to the City;

Finding of Fact:

The Proposed Project. and Development Agreement contain all requisite provisions set forth therein. In addition, the Proposed Project. and Development Agreement will not be detrimental to the health, safety, and general welfare through the enforcement and implementation of Conditions of Approval and mitigation measures. Further, prior to the issuance of City development permits and/or the issuance of a final completion of work, the Building and Safety Division, Engineering/Public Works Division, Planning Division and City Attorney Office's conditions and requirements must be met, which will protect. and preserve the health, safety and general welfare.

- B. The Development Agreement will have a positive effect on the orderly development of Subject Property or the preservation of property of neighboring property values;

Finding of Fact:

The Subject Property has a General Plan Land Use Designation of "Gateway Specific Plan". This designation is located on the north side of the 1-10 Freeway and areas surrounding the El Monte Station. The Gateway Specific Plan calls for the area to be developed with an urban mixed-use center with housing centered around the El Monte Station and multi-story buildings along Santa Anita Avenue. However, the Subject Property is also to continue to be used by the Los Angeles County Metropolitan Transit Authority (LACMTA) for bus maintenance and parking. Furthermore, the proposed billboard will only occupy the southeast corner of the Subject. Property. The overwhelming majority of the Subject Property will still allow for bus maintenance and parking. The Proposed Project and Development Agreement will not adversely affect the orderly development of properties in the area or the preservation of land values in the vicinity.

- C. The Development Agreement will provide sufficient benefits to the community to justify entering into the agreement;

Finding of Fact:

The Development Agreement will provide extensive community benefits in the form of general fund revenues. These revenues can be allocated to a wide range of City programs and projects. The Applicant will be required to pay a one (1) time processing and developer fees of \$100,000. In addition, the Applicant will subject quarterly contributions to the City for a period of 30 years. The total base amount of to be collected during that period is \$3,050,000. However, if ad revenues exceed base projections, the total amount collected may be even greater. The City will also have access to use the billboard for public service announcements.

D. The Development Agreement is consistent with the purpose, goals and policies of the General Plan and any applicable Specific Plan;

Finding of Fact:

The General Plan Land Use Designation for the Subject Property is "Gateway Specific Plan". This designation is located on the north side of the 1-10 Freeway and areas surrounding the El Monte Station. The Gateway Specific Plan calls for the area to be developed with an urban mixed-use center with housing centered around the El Monte Station and multi-story buildings along Santa Anita Avenue. However, the Subject Property is also to continue to be used by the Los Angeles County Metropolitan Transit Authority (LACMTA) for bus maintenance and parking. Furthermore, the proposed billboard will only occupy the southeast corner of the Subject Property. The overwhelming majority of the Subject Property will still allow for bus maintenance and parking.

The General Plan does not specifically identify digital billboards as a potential revenue source. However, there are other areas of the Plan that discuss the need for new revenue sources to implement City policies and support programs. Examples from the Economic Development Element include the following:

- Introduction: Designing a Prosperous Economy and Increase Local Revenues - attracting and expanding economic activity through revitalization efforts, increasing business value, improving sales and generating new revenues;
- Goal ED-1: Policy ED-1.5 - Funding. Explore, develop and use alternative fundingsources to pay for and provide incentives for economic development activities for which the City lacks sufficient resources; and
- Goal ED-3: An improved El Monte Businesses environment that attracts new businesses, investment, new jobs and increased revenues to El Monte.

E. The proposed installation site is compatible with the uses and structures on the site and in the surrounding area;

Finding of Fact:

The proposed location for the billboard is adjacent to the 1-10 Freeway right-of-way. The nearest structures are one (1) story structures used for bus maintenance and storage. They do not have any distinct architectural style and are not highly visible form the 1-10 Freeway or Santa Anita Avenue. The proposed billboard will be compatible with the surrounding area.

F. The proposed billboard will not create a traffic or safety problem, including problems associated with onsite **access** circulation or visibility;

Finding of Fact:

The proposed location for the billboard is adjacent to the 1-10 Freeway right-of-way. Traveling westbound, the billboard will be located after vehicles entering the freeway from Santa Anita Avenue have already merged with travel lanes. The next exit is more than one-half (½) mile away. In addition, the base of the billboard will be outside the Los Angeles County Metropolitan Transit Authority

(LACMTA) fenced area for bus maintenance and parking. Therefore, the proposed billboard will not create traffic or safety problems.

G. The proposed billboard would not interfere with onsite parking or landscaping required by the Zoning Code;

Finding of Fact:

The base of the billboard will be outside the Los Angeles County Metropolitan Transit Authority (LACMTA) fenced area for bus maintenance and parking. Therefore, it will not impact any onsite parking or landscaping on the Subject Property.

SECTION 6 - DESIGN REVIEW APPROVAL. This Ordinance shall not be effective until the City Council approves Resolution No. 10399 for Design Review No. 18-22.

SECTION 7 - CONDITIONS OF APPROVAL. The applicant shall comply with all the conditions of approval outlined in Resolution No. 10399 for Design Review No. 18-22.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 15th day of November, 2022.



Jessica Ancona, Mayor
City of El Monte

ATTEST:


Catherine A. Eredia, City Clerk
City of El Monte

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF EL MONTE

SS:

I, Catherine A. Eredia, City Clerk of the City of El Monte, hereby certify that the foregoing Ordinance No. 3017 was introduced for a first reading on the 1st day of November, 2022 and approved for a second reading and adopted by said Council at its regular meeting held on the 15th day of November, 2022 by the following vote, to-wit:

AYES: Mayor Ancona, Mayor Pro Tem Puente, Councilmembers Herrera and
Martinez Muela

NOES: None

ABSTAIN: None

ABSENT: Dr. Morales

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Catherine A. Eredia, City Clerk
City of El Monte